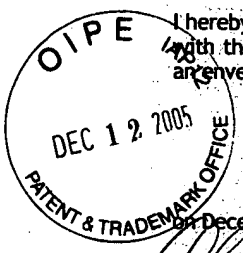
CERTIFICATE OF MAILING



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"Assistant Commissioner for Patents, Alexandria, VA 22313-1450"

on December 8, 2005

12/8/05
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Attorney for Applicant(s)

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Customer No.: 000201
Attorney Docket no.: J6709(C)
Applicant: Goldberg et al.
Serial No.: 09/938,455
Filed: August 24, 2001
For: LAMELLAR POST FOAMING CLEANSING COMPOSITION AND DISPENSING SYSTEM

Group: 1751
Examiner: C.I. Boyer
Edgewater, New Jersey 07020
December 2, 2005

DECLARATION

Under 37 CFR § 1.132

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Philip Edward Miner, hereby declare that:

I am familiar with the rheological measurements discussed in the above-identified application.

I received my Bachelor of Science degree from the University of Rhode Island in Chemistry in the year 1970.

I joined my present employer Unilever in 1975, and I currently have the title Senior Research Biophysicist, in the Brand Development, Skin, Department located in Trumbull, CT.

I am familiar with the Office Action dated March 30, 2005 in the above captioned case where claims 29, 30, 32, 33, 36-42 and 44-61 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Sporri, US 5,127,556 in view of Dixon (US 6,407,044).

The present independent claims require that the initial viscosity must be greater than 40,000 cps (which is the same as 40,000 mPa-sec) at a shear stress of 10 Pascals at 25°C. As the examiner indicated that the presently claimed viscosity limitations were inherently present for the examples of Dixon, the viscosity of representative examples of the personal cleansing emulsion composition examples which are set forth in US Patent 6,407,044 was undertaken according to the claimed viscosity determination methodology i.e. the viscosity was measured at 25°C at a shear stress of 10 Pascals after one minute.

Dixon's examples all use a similar surfactant system, but are divided into two groups by the form of moisturizing agent: one group uses various levels of petrolatum and soybean oil and the other group a variety of glycerides. A representative example was selected from each of the two groups, i.e. examples "C" and "I". Example "C" has the highest level of petrolatum and soybean oil (19%), while example "I" uses a combination of glycerin, caprylic glycerides, cocamide MEA and palmitic acid. Each example was prepared using the "Making Procedure" exactly as described in the patent.

The viscosity was measured at a shear stress of 10 Pascals using a TA Instruments AR2000 controlled stress rheometer at 25°C. The following results were obtained according to the procedure described below. The average values were:

	Viscosity @ one minute
Example C	13.2 ± 1.3 mPa-sec
Example I	31.4 ± 4.0 mPa-sec

The data clearly indicates that the two Dixon examples fall well below the minimum claimed viscosity of 40,000 cps and therefore do not inherently have the minimum claimed viscosity.

Viscosity measurements: A TA Instruments Model AR2000 controlled stress rheometer was configured with a 4 cm 2° cone and a Peltier Plate. The un-diluted sample was placed between the cone and plate and thermally equilibrated for one minute. The viscosity was measured at 10 Pascals at 25°C. Measurements were taken at 10 second intervals for one minute with a sample size of three runs per example.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issuing thereon.

Dated: December 2, 2005

By: _____

Title: SENIOR RESEARCH BIOPHYSICIST